Initial Statement of Reasons
Lead/Copper Rule Revisions
Title 22, California Code of Regulations

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Act (Sections 116300-116750, Health and Safety Code [H&S Code]). California has been granted "primacy" for the enforcement of the Federal Act. In order to receive and maintain primacy, states must promulgate regulations that are no less stringent than the federal regulations.

In accordance with federal regulations, California requires public water systems to sample their sources and have the samples analyzed for inorganic and organic substances to determine compliance with drinking water standards, also known as maximum contaminant levels (MCLs). Primary MCLs are based on health protection, technical feasibility, and costs. Secondary MCLs are based on consumer acceptance, using parameters such as odor, taste, and appearance as measures of acceptability. The water supplier must notify the Department and the public when a primary or secondary MCL has been violated and take appropriate action. Public water systems must also sample for a number of "unregulated" chemicals, as set forth in regulation. When MCLs are not the most feasible or appropriate approach to minimizing the level of a contaminant in drinking water, regulations are adopted that use "treatment techniques" to control the levels of the contaminant instead. The lead and copper rule is a "treatment technique" regulation.

On December 11, 1995, for conformance with the federal lead and copper rule [Federal Register (FR) 56 (110), 26460-26564, June 7, 1991; amended July 15, 1991 (56 FR 32113), June 29, 1992 (57 FR 28786) and June 30, 1994 (59 FR 33860)], California adopted requirements for community and nontransient-noncommunity water systems to monitor and treat drinking water to minimize the corrosivity and, therefore, the lead and copper levels, in water served to the public. On Jan 12, 2000, EPA promulgated further revisions to the lead and copper rule [Federal Register 65(8), 1950-2002]. The new federal revisions include requirements that California must adopt to maintain primacy and others that are optional. This proposed regulation package incorporates all the required and almost all of the optional revisions.

When the Department initially adopted the federal requirements, it had a limited timeframe within which to do so and was not able to rewrite the federal rule to eliminate its redundancies, ambiguities, excess verbiage, and confusing organization. Consequently, the Department's field staff has encountered difficulties implementing the regulations and drinking water utilities have been challenged in their efforts to comply. Subsequent to EPA's adoption of the revisions, the Department determined that a rewrite of the regulations would facilitate both enforcement and compliance efforts and, therefore, it has rewritten the existing state regulations as the federal revisions were incorporated. Given the major changes made to the format of the existing rule, the proposed regulation package is presented as a repeal of the existing Chapter 17.5 to be replaced by an entirely new Chapter 17.5. All requirements in the proposed Chapter 17.5 are supported by references to the federal lead and copper rule (40 CFR Parts 141 and 142).

The articles indicating the organization of the proposed chapter are as follows:

- Article 1. General Requirements and Definitions
- Article 2. Requirements According to System Size
- Article 3. Monitoring for Lead and Copper
- Article 4. Water Quality Parameter (WQP) Monitoring
- Article 5. Corrosion Control
- Article 6. Source Water Requirements for Action Level Exceedances
- Article 7. Public Education Program for Lead Action Level Exceedances
- Article 8. Lead Service Line Requirements for Action Level Exceedances
- Article 9. Reporting and Recordkeeping

The net effect of the chapter reorganization and proposed incorporation of the new federal revisions would be that:

- Large water systems (serving more than 50,000 people) deemed to have optimized corrosion control would be required to continue monitoring to demonstrate that the treatment is maintained.
- Systems with corrosion control treatment would be subject to a different compliance determination for water quality parameters.
- Systems on reduced lead and copper monitoring would be required to use representative sampling sites.
- Lead and copper tap samples could be invalidated if certain criteria were met.
- Small water systems (serving 3,300 or fewer people) could obtain waivers for lead and copper tap sampling.

Adoption of these requirements would satisfy the mandate in section 116350, H&S Code, and federal primacy requirements related to the adoption of regulations at least as stringent as the federal.

The following table provides the federal regulation citations for each proposed requirement and explains any differences between the state and federal regulations. EPA produced an integration of their initially adopted requirements and the revisions in a document designated "EPA 816-R-00-009, The Lead and Copper Rule Minor Revisions: Compared to the 1991 Rule"; the Department recommends this document as an easy reference for reviewing both the changes made by EPA and their incorporation into the proposed state regulations.

State	***Federal***	***Comments***
64670(a)	141.80(a)	
(b)	141.80(a), (d), (k)	Omitted federal statement related to primary drinking water regulations, since this is implicit.
(c)	141.89	Added language to federal requirement to make it more specific for conformance with state statute.
(d)	-	This subsection spells out the timeframe for Chap 17.5 requirements to apply for new systems and systems that change size to establish a deadline for compliance and subsequent enforcement action, if necessary; no comparable federal requirement.

64671.05	141.2	
64671.08	-	Term "Action level exceedance" defined to eliminate need for repeating the phrase used in the definition repetitively in the regulation text; simplifies regulatory language
64671.09	141.2	Defined corrosion control treatment and added acronym "CCT" to simplify regulatory text; left out "optimal" because that is implicit.
64671.10	141.2	
64671.15	-	Term "DLR" used by Ca. for designating reporting levels; text here is the same as that in chapter 15, section 64400.45, for consistency with other regulations.
64671.30 – 64671.40	141.2	
64671.50	141.2	
64671.55	-	Term "Period" defined to eliminate need for repeating the phrase used in the definition repetitively in the regulation text; simplifies regulatory language
64671.60 – 64671.70	141.2	
64671.75	-	Term "Tap sampling" defined to eliminate need for repeating the phrase used in the definition repetitively in the regulation text; simplifies regulatory language
64671.80	-	Term "WQP" defined to eliminate need for repeating the phrase used in the definition repetitively in the regulation text; simplifies regulatory language
64671.85	-	Term "WQP monitoring" defined to eliminate need for repeating the phrase used in the definition repetitively in the regulation text; simplifies regulatory language
64673(a)	141.81(a)(2), (e)	
(b)	141.80(h), 141.81(e)(1)	
(c)(1)	141.80(h), 141.87	
(c)(2)	141.81(e)(2), 141.82(b)	
(c)(2)(A)	141.81(e)(3)	
(c)(2)(B)	141.81(e)(4)	Requirement sets timeframe for beginning CCT installation to ensure system completes installation per federal timeframe, so that regulatory can go after a system not initiating compliance instead of waiting until the deadline; no comparable federal requirement.
(c)(2)(C)	141.81(e)(5)	
(c)(2)(D)	141.80(h),141.81(e)(6), 141.86(d)(2)(ii)	
(c)(2)(E)	141.81(e)(7)	
(c)(3)	141.81(e)(1), 141.82(a)	
(c)(3)(A)	141.81(e)(2)(i)	
(c)(3)(B)	141.81(e)(2)(ii)	
(c)(4)	141.80(e)	
(d)(1)	141.80(g)	
(d)(2)	141.80(h)	
(e)	141.81(c), 141.86(d)(4)(vi)(A)	
64674(a)	141.81(a)(1)	

(b)	141.80(h), 141.86(d)(1), 141.87	
(c)	141.81(d)(2)	Dates revised for consistency with Ca. implementation dates
(c)(1)	141.81(b)(2)	
(c)(2)	141.81(b)(3)	
(d)	141.81(d)(4)	
(d)(1)	141.81(d)(4)	
(d)(2)	141.81(d)(5)	
(d)(3)	141.80(h), 141.81(d)(6)& (7)	
(d)(3)	141.87(e)	
(d)(3)(B)	141.87(e)	
(d)(4)	141.86(d)(2), 141.87(e)	
(d)(5)	141.86(d)(3)	
(e)(1)	141.80(e)	
(e)(2)	141.80(g)	
(e)(3)	141.80(f)	
(f)	141.80	
64675(a)	141.86(c) & (d)	
(b)	141.86(c)	
(b)(1), (2)	141.86(d)(iv)	
(c)	141.86(a)	.
64675.5(a)	141.86 (d)(1) and (d)(4)	
(b)	141.81(b)(3)(i)	
64676(a)	141.86(a)(1)	
(b)	141.86(a)(2)	
(c)(1)	141.86(a)(3)	
(c)(2)	141.86(a)(4)	
(c)(3)	141.86(a)(5)	
(d)(1)	141.86(a)(6)	
(d)(2)	141.86(a)(7)	
(e)	141.86(a)(8)	
(f)	141.90(a)(2) & 141.86(a)(8)	
64677(a)	141.86(b)(1)	
(b)	141.86(b)(2)	
(c)	141.86(b)(4)	
(d)	141.86(b)(5)	
64677.5	141.86(f)	
64678(a)	141.89(a)(1)(ii)(A) & (B)	
(b)	141.89	Establishes how to use levels between method detection level and PQL (DLR) to incorporate provision from existing regulations section 64672(c); no comparable federal requirement.
(c)	141.89	Establishes that levels less than the PQL (DLR) shall be considered zero to incorporate provision from existing regulations section 64672(d); no comparable federal requirement, except for source water monitoring.
(d)	141.80(c)(1)	
(e)	141.80(c)(2)	
(f)	141.80(c)(3)	

(g)	141.86(e)	
64678.5(a) – (f)	141.86(g), 141.90(a)(4)	
(g)	141.86(d)(4)(iv)(B)	
64679	141.85(d)	
64680(a)	141.87(a)(1)(i), (2)	
(b)	141.87(a)(1)(ii)	
64681(a)	141.87(b)	
(b)	141.87(b)	
(c)	141.86(d)(2)	
64682	141.87(c)	
64683(a)	141.82(c)	
(b)	141.82(d)	
64684(a)	141.82(e)	
(b)	141.82(f)	
(c)	141.82(g), 141.86(d)(3), 141.87(d)	
(d)	141.82(g), 141.86(d)(4)(vi)(B), 141.87(d), (e)(ii)(4)	Section 64684 (d)(2)(C) clarifies that when sampling is less than daily, the daily value applies to the day that the supplier receives the lab result or the 14th day, whichever comes first. The Dept. determined that for some WQPs, e.g., zinc, phosphate, specific conductance, and total alkalinity, in-house lab results are not available for at least 48 hours and for water suppliers contracting with commercial laboratories, two weeks is the normal turnaround time with surcharges being levied for shorter turnaround times. One large supplier reported that costs rose by 50% to have the shortest available turnaround time of 5 days. Since the highest required monitoring frequency is biweekly and there is no direct relationship between thes e parameters and risks to public health, applying the result to the day the supplier receives it is appropriate. The supplier cannot take action until aware that there is a problem. The drafted language would support the designation of optimal levels/ranges for WQPs and thereby encourage full corrosion control treatment optimization without penalizing suppliers that monitor with the required frequency.
(e)	141.86(d)(4)(vi)(B)	
(f)	141.86(e), 141.87(e)	
(g)	141.82(h)	
64685(a)(1)	141.80(e), 141.83(a), 141.88(a) & (b)	
(a)(2)	141.83(b)(1)	
(a)(3)	141.83(b)(2)	
(b)	141.83(a)(2)	
64686	141.80(e)	
(a)	141.83(a)(3)	
(a)(1)	141.83(a)(3), (b)(3)	
(a)(2)	141.83(a)(4), 141.88(c)	
(a)(3)	141.83(a)(4), 141.86(d)(2)(iii)	

(b)	141.83(a)(5) & (6), 141.83(b)(4), 141.88(d)	
(c)	141.83(b)(5), 141.88(d) & (e)	
(d)	141.88(d)(2)	
(e)	141.88(a)(2)	
(f)	141.88(e)(3)	
(g)	141.83(b)(6)	
64687	141.85	
64688(a)	141.84(a)	
(b)(1) – (2)	141.84(b)	
(b)(3)	141.84(c)	
(b)(4)	141.84(d)	
(b)(4)(A)	141.84(d)(1)	
(b)(4)(B)	141.84(d)	
(c)	141.84(e)	
(d)	141.84(f) and (g)	
64689	141.86(b)(3)	
64690.10	141.90	
64690.80	141.80(j), 141.91	